

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2981**

4 (By Delegates Iaquina, Longstreth, Ashley, Azinger,
5 Givens, Ferro, Smith, Armstead, Pasdon, and Fleischauer)

6 (Originating in the Committee on Finance)

7 [February 23, 2011]

8
9

10 A BILL to amend and reenact §15-1B-21 of the Code of West Virginia,
11 1931, as amended, relating to payments for trade
12 certifications and allowing use of tuition assistance for West
13 Virginia National Guard members enrolled in a doctor of
14 medicine or osteopathic medicine program.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §15-1B-21 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 1B. NATIONAL GUARD.**

19 **§15-1B-21. Tuition and fees for guard members at institutions of**
20 **higher education.**

21 (a) Any member of the Army National Guard or Air National
22 Guard who is enrolled in ~~a course of undergraduate study or a~~ an
23 educational program which leads to a certificate, undergraduate
24 degree, master's degree, doctor of medicine, or doctor of
25 osteopathic medicine, program and is attending any accredited
26 community and technical college, college, university, or business,

1 ~~or career-technical, vocational, trade or aviation~~ school, located
2 in West Virginia ~~or is attending any aviation school located in~~
3 ~~West Virginia for the purpose of taking college-credit courses,~~ may
4 be entitled to payment of tuition and fees ~~at that college,~~
5 ~~university, business, or trade school or aviation school~~ for that
6 program during the period of his or her service in the National
7 Guard.

8 (1) The Adjutant General may prescribe criteria of eligibility
9 for payment of tuition and fees. ~~at the college, university,~~
10 ~~business or trade school or aviation school~~ The payment is
11 contingent upon appropriations being made by the Legislature for
12 ~~this~~ the express purpose of this section.

13 (2) A member may receive payment for only one certificate,
14 undergraduate degree and master's degree pursuant to this section.

15 (3) Not more than two members a year may be selected by the
16 Adjutant General to receive payment for either a doctor of medicine
17 or doctor of osteopathic medicine degree program. Any candidate
18 selected for this program must remain a member of the Army National
19 Guard or the Air National Guard and practice medicine in the State
20 of West Virginia for a minimum of ten years after receiving a
21 doctor of medicine or doctor of osteopathic medicine degree, or be
22 subject to recoupment for all monies paid pursuant to this
23 subdivision.

24 (b) The amount of the payment for ~~members~~ a member attending
25 a state-supported school ~~shall be~~ is determined by the Adjutant
26 General and may not exceed the actual ~~amount~~ cost of tuition and

1 fees at the school. The amount of the payment for ~~members~~ a member
2 attending a private school ~~shall be~~ is determined by the Adjutant
3 General ~~but in any event~~ and may not exceed the highest ~~amounts~~
4 amount payable at any state-supported school.

5 (c) Any member of the Army National Guard or Air National
6 Guard who ~~is enrolled in a course of undergraduate study, or a~~
7 ~~master's degree program and is attending any accredited college or~~
8 ~~university located in West Virginia and is receiving payments under~~
9 a federally funded continuing education system and is eligible to
10 receive tuition and fee payments pursuant to this section may be
11 entitled to payment of tuition and fees ~~at that college or~~
12 ~~university during his or her period of service in the Army National~~
13 ~~Guard or Air National Guard: *Provided, That*~~ under this section.
14 The sum of payments received under this ~~subsection~~ section and a
15 federally funded continuing education system may not exceed the
16 actual amount of tuition and fees at the school and in ~~no~~ any event
17 may not exceed the highest ~~amounts~~ amount payable at any state-
18 supported school. ~~The payments are contingent upon appropriations~~
19 ~~being made by the Legislature for this express purpose.~~

20 (d) ~~The Adjutant General may, in lieu of the tuition payment~~
21 ~~authorized by this section, pay an amount equal to the amount of~~
22 ~~tuition which otherwise would have been paid directly to members~~
23 For any member of the West Virginia Army National Guard or West
24 Virginia Air National Guard who ~~are~~ is participating in the PROMISE
25 Scholarship program provided in article seven, chapter eighteen-c
26 of this code, the Adjutant General may pay directly to the member

1 an amount equal to the amount of tuition and fees which otherwise
2 would have been paid to the school.

3 (e) A member of the West Virginia Army National Guard or West
4 Virginia Air National Guard who is receiving payments for tuition
5 and fees under this section and is discharged from the military
6 service due to wounds or injuries received in the line of duty may
7 continue to receive payments for tuition and fees under this
8 section as if he or she were still a member.

9 (f) The Adjutant General shall administer the tuition and fee
10 payments authorized under this section and shall ~~propose~~ establish
11 policies to implement the provisions of this section.